

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 29403 PERMIT 20559 LICENSE _____

**ORDER TO CORRECT THE DESCRIPTION OF THE POINT OF DIVERSION,
POINTS OF REDIVERSION AND PLACE OF USE**

WHEREAS:

1. Permit 20559 was issued to Anthony M. Truchard and Jo Ann M. Truchard on September 23, 1991 pursuant to Application 29403.
2. The point of diversion, storage and point of rediversion, points of rediversion and place of use should be revised to conform with the revised map and as a result of an inspection made on December 21, 1988.
3. The State Water Resources Control Board has determined that said correction will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 2 of this permit pertaining to the points of diversion and rediversion be described as follows:

Point of Diversion and Storage:

POD #4: California Coordinate System, Zone 2, N 227,200 and E 1,907,500, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,

Points of Rediversion:

POD #5: California Coordinate System, Zone 2, N 225,900 and E 1,907,700, being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M,

POD #6: California Coordinate System, Zone 2, N 225,000 and E 1,907,400, being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M,

POD #7: California Coordinate System, Zone 2, N 223,700 and E 1,907,500, being within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M.

2. Paragraph 4 of this permit pertaining to the place of use be described as follows:

4 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,
5 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,
28 acres within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,
18 acres within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,
31 acres within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,
31 acres within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,
2 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,
1.5 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M,
22.5 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M,
26 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M,
15 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M,
14 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M.
198 acres total

Dated: MARCH 24 1992

SE in mark

for, Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20559

Application 29403 of Anthony M. Truchard and JoAnn M. Truchard

3234 Old Sonoma Road, Napa, CA 94559-9701

filed on January 24, 1989, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

- | | |
|--|-----------------------------------|
| 1. Source: | Tributary to: |
| (1) <u>Unnamed Stream</u> | <u>Browns Valley Creek thence</u> |
| | <u>Napa Creek thence</u> |
| | <u>Napa River</u> |
| (2) <u>Unnamed Stream (Rediversion only)</u> | <u>Napa River</u> |
| | |
| | |

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section *	Township	Range	Base and Meridian
(1) BY CALIFORNIA COORDINATE SYSTEM, ZONE 2 DIVERSION TO OFFSTREAM STORAGE NORTH 227,100 FEET AND EAST 1,908,800 FEET	NW $\frac{1}{4}$ OF SE $\frac{1}{4}$	8	5N	4W	MD
(2) REDIVERSION - NOVELLI RESERVOIR NORTH 227,300 FEET AND EAST 1,907,600 FEET	SW $\frac{1}{4}$ OF SE $\frac{1}{4}$	8	5N	4W	MD
(2) REDIVERSION NORTH 226,000 FEET AND EAST 1,907,900 FEET	NE $\frac{1}{4}$ OF NE $\frac{1}{4}$	17	5N	4W	MD
(2) REDIVERSION NORTH 224,300 FEET AND EAST 1,907,300 FEET	SW $\frac{1}{4}$ OF NE $\frac{1}{4}$	17	5N	4W	MD
(2) REDIVERSION NORTH 223,800 FEET AND EAST 1,907,600 FEET	NW $\frac{1}{4}$ OF SE $\frac{1}{4}$	17	5N	4W	MD

*projected

County of Napa

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acre
(SEE ADDENDUM)						

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 49 acre-feet per annum to be collected from November 1 of each year to May 15 of the succeeding year. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

The maximum rate of diversion to offstream storage shall not exceed 4 cubic feet per second. (000005J)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Complete application of the water to the authorized use shall be made by December 31, 1995. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. Permittee shall maintain the existing outlet pipe in the dam forming Novelli Reservoir in proper working order so that water entering the reservoir, which is not authorized for appropriation under this permit, can be released. (0050043)

13. The total quantity of water diverted under this permit, together with that diverted under the permit issued pursuant to Application 27924, shall not exceed 49 acre-feet per annum. (0000114)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: **SEPTEMBER 23 1991**

STATE WATER RESOURCES CONTROL BOARD


101 Chief, Division of Water Rights